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WATER RESOURCES DEPT.
SALEM, OREGON

BEFORE THE HEARING OFFICER PANEL
FOR THE STATE OF OREGON
WATER RESOURCES DEPARTMENT

In the Matter of the Determination of the Relative Rights of the Waters of the Klamath River
a Tributary of the Pacific Ocean

| | | |
|----------------------------------|---|---|
| Waterwatch of Oregon, Inc. et al |) | |
| |) | Claim No. 591-611 |
| |) | |
| vs. |) | Contests 2729, 2734, 3006 through 3015, |
| |) | 3113 through 3117, 3698 through 3707, |
| United States of America, |) | 3835 through 3955 |
| National Park Service |) | |
| |) | STIPULATION |
| |) | |
| |) | |

WHEREAS, in Claim No's 591 through 611 the United States of America, National Park Service (the Park Service) has claimed a priority date of February 1, 1886, based upon an Executive Order of February 1, 1886, for certain instream and consumptive use claims, and

WHEREAS, the Adjudicator in his preliminary evaluations of the above claims, approved federal reserved water rights for the Park Service with a priority date of May 22, 1902, and rejected the priority date of 1886, for those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902, and

WHEREAS, several of the above-named contestants filed contests against the claims of the Park Service contesting the 1886 priority date and supporting the Adjudicator's finding of the 1902 priority date, and

WHEREAS, the United States filed contests against the Adjudicator's preliminary evaluations on the grounds that the Adjudicator erroneously rejected the 1886 priority date, and

WHEREAS, the Park Service has now agreed to accept the 1902 priority date, and

WHEREAS, there no longer remain any contested issues in respect to Park Service claims numbered 591 through 601 (instream and lake level claims), since all contests on these claims related to the claimed 1886 priority date, and therefore said claims should be referred back to the Adjudicator for inclusion in the final order.

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NOW, THEREFORE, IT IS STIPULATED by and among the parties hereto that:

1. The Park Service withdraws its contests to the Adjudicator's preliminary evaluation which rejected a priority date of February 1, 1886, in all of the above-described claims and agrees to a priority date of May 22, 1902, for those lands described in the Executive Order of February 1, 1886 and the Act of May 22, 1902.

2. Waterwatch of Oregon, Inc. withdraws its contests of Claims numbered 591 through 601, Contests numbered 3005 through 3015, and said contests may be dismissed, provided said claims are referred back to the Adjudicator for inclusion in the final order.

3. Roger Nicholson et al. withdraw their contests of Claims numbered 591 and 599, Contests numbered 3113 and 3114, and said contests may be dismissed, provided said claims are referred back to the Adjudicator for inclusion in the final order.

4. The Hearings Officer should refer Claims numbered 591 through 601 back to the Adjudicator for inclusion in the final order.

6. All other issues and contests not expressly withdrawn or dismissed by this stipulation shall remain pending and subject to these proceedings.



Michael Gheleta
U.S. Dept. of Justice
Attorney for United States of America,
National Park Service

Dated: 6/29, 2001



Barbara Scott-Brier
U.S. Dept. of the Interior
Attorney for United States of America,
National Park Service

Dated: July 5, 2001

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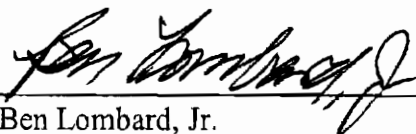
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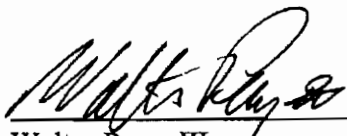
Dated: June 12, 2001

Robert G. Hunter
Attorney for Waterwatch of Oregon, Inc.



Dated: June 12, 2001

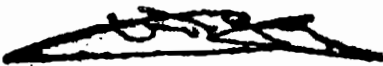
Ben Lombard, Jr.
Of attorneys for Roger Nicholson, et al.
(Roger Nicholson, Roger Nicholson Cattle Co., Lloyd Nicholson Trust, Dorothy Nicholson Trust, Richard Nicholson, Jim McAuliffe, McAuliffe Ranches, Maxine Kizer, Ambrose McAuliffe, Susan McAuliffe, Joe McAuliffe Company, Kenneth L. Tuttle and Karen L. Tuttle dba Double K Ranch, Dave Wood, Kenneth Zamzow, Anita Nicholson, Wm. S. Nicholson, John B. Owens, Kenneth Owens, Wm. L. Brewer, Mary Jane Danforth, Jane M. Barnes, Franklin Lockwood Barnes, Jr., Jacob D. Wood, Elmore E. Nicholson, Mary Ann Nicholson, Gerald H. Hawkins, Hawkins Cattle Co., Owens & Hawkins, Harlowe Ranch, Terry M. Bengard, Tom Bengard, Dwight T. Mebane, Helen Mebane



Dated: July 9, 2001

Walter Perry III
Oregon Department of Justice
Of attorneys for State of Oregon,
Water Resources Department

IT IS SO ORDERED.



Dated: August 2, 2001

William D. Young, Administrative Law Judge:
Hearing Officer Panel

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2001, I Mailed a true copy of the following: **STIPULATION** by depositing the same in the U.S. Post Office, Salem, Oregon 97309, with first class postage prepaid thereon, and addressed to:

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